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March 21, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-A325
Washington, DC 20554

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NEW YORK NY 10022-2585

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NEWARK NJ 07102-5397

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DOCKET FILE COPY ORIGINAL

Re: Petition of **INDEPENDENT BROADCASTING CORPORATION** to amend the FM Table of Allotments (47 C.F.R. §73.202) respecting Calistoga, California, and Middletown, California

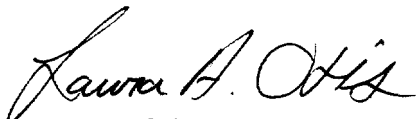
CLIENT NO. 43344-84707

Dear Ms. Salas:

Transmitted herewith on behalf of **INDEPENDENT BROADCASTING CORPORATION** ("IBC") is an original, and four copies, of a Petition for Rulemaking that proposes the amendment of the FM Table of Allotments as it pertains to Radio Station KGRP(FM), Calistoga, California (FCC Facility ID No. 43711), and Radio Station KRSH(FM), Middletown, California (FCC Facility ID No. 72925) to implement a mutual exchange of operating frequencies between the two stations. IBC is the common licensee/permittee of both stations.

Should further information be desired in connection with this petition, kindly communicate directly with this office.

Very truly yours,


Laura A. Otis

Enclosures (5)

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments)
FM Broadcast Stations)
(Calistoga and Middletown, California))

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

INDEPENDENT BROADCASTING CORPORATION (“IBC”), by its attorney and pursuant to Section 1.401 of the Commission’s Rules, hereby petitions the Commission to institute a rulemaking proceeding to amend the FM Table of Allotments (Section 73.202(b) of the Commission’s Rules) to substitute Channel 254A for Channel 265A at Middletown, California, and Channel 265A for 254A at Calistoga, California, and to modify the licenses of Stations KRSH(FM) and KGRP(FM) (the “Stations”) accordingly. The proposed re-allotment would be as follows:

COMMUNITY	CHANNEL NO.	
	PRESENT	PROPOSED
Calistoga, CA	265A	254A
Middletown, CA	254A	265A

In support hereof, IBC respectfully submits the following:

THE CALISTOGA AND MIDDLETOWN STATIONS HAVE COMMON OWNERSHIP

1. IBC is authorized to operate FM Radio Broadcast Station KRSH on Channel 254A (98.7 MHz) at Middletown, California, and is the licensee of FM Radio Broadcast Station KGRP on Channel 265A (100.9 MHz) at Calistoga, California.

PUBLIC INTEREST CONSIDERATIONS

2. This proposed channel swap would serve the public interest and the Commission's allotment priorities and policies¹ better than the present allotments. The grant of this petition would give IBC greater flexibility in operating its FM facilities, and greater flexibility in selecting transmitter sites. These benefits would, in turn, allow the Stations to provide enhanced service to their communities. Specifically, the grant of the requested amendment would permit IBC to co-locate the KRSH transmitter to a site presently used by Radio Station KSXY(FM), Healdsburg, California, which is owned and operated by an IBC affiliate. This change would enable KRSH and KGRP to provide service to 236,146 additional persons, representing a 57.9% increase in the combined population for the two Stations (from 407,850 persons to 643,996 persons).²

¹ The FM priorities are: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 92 (1982).

² According to the construction permit applications (FCC Forms 301) for KRSH, KGRP, and KSXY, KRSH serves 85,865 people from its existing transmitter site; KGRP serves 321,985, and KSXY presently serves 322,011. Inasmuch as all stations are Class A facilities, KRSH's coverage logically should mirror that of KSXY. Hence, it is estimated that the population increase for KRSH would total 236,146 additional people.

3. The Commission has indicated that an amendment of the FM Table of Allotments may be warranted if it gives a licensee the opportunity to obtain a more advantageous transmitter site.³ Moreover, the Commission has held on numerous occasions that the substitution of an existing station's channel at one community serves the public interest where such change permits the provision of expanded service.⁴

4. When considering whether to approve an amendment proposal, the Commission considers the public interest benefits, and the drawbacks, associated with the proposal.⁵ In this case, there are no drawbacks accompanying the public interest benefits discussed above. Because IBC is requesting a swap of equivalent channels on which it is licensed, there will be no loss or disruption of service to either community, and no other broadcasters will be affected by the change.

5. As indicated in the attached engineering study, Channel 265A can be assigned to Middletown, and Channel 254A can be assigned to Calistoga, in complete compliance with the Commission's minimum distance separation requirements.

³ *Amendment of the Commission's Rules Regarding the Modification of FM and Television Stations Licenses*, 98 FCC 2d 916, 917 (1984).

⁴ *See, e.g.*, Churchville and Luray, Virginia, MM Docket 89-95, recon. denied, 6 FCC Rcd 1313 (1991); Milan, Metter, Swainsboro and Wrens, Georgia, 6 FCC Rcd 5793 (1991); Marietta, Ohio, and Ravenswood, West Virginia, 2 FCC Rcd 4681 (1987).

⁵ *See, e.g.*, Castle Rock, Colorado Springs, Frisco and Salida, Colorado; Raton, New Mexico, 8 FCC Rcd 4475 (1993); *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, 7096 (1990).

SUMMARY

6. In sum, grant of the requested channel swap is fully consistent with the Commission's allotment rules and policies and will serve the paramount public interest by giving greater flexibility to IBC which, in turn, will lead to improved FM radio service.

7. Since the Commission is obligated under Section 307(b) of the Communications Act⁶ to provide an efficient distribution of radio services, the Commission should adopt the following changes to the FM Table of Allotments:

COMMUNITY	CHANNEL NO.	
	PRESENT	PROPOSED
Calistoga, CA	265A	254A
Middletown, CA	254A	265A

⁶ 47 U.S.C. § 307(b).

WHEREFORE, in view of the foregoing, IBC respectfully requests that the Commission grant this Petition for Rulemaking and amend the FM Table of Allotments as proposed herein.

Respectfully submitted,

**INDEPENDENT BROADCASTING
CORPORATION**

By

A handwritten signature in black ink, appearing to read "Laura A. Otis", is written over a horizontal line.

Laura A. Otis
Its Attorney

ROSENMAN & COLIN, LLP
805 15th Street, N.W., 9th Floor
Washington, D.C. 20005-2212
Tel: 202-216-4653; Fax: 202-216-4700

Dated: March 21, 2000

LIEBERMAN & WALISKO
CONSULTING TELECOMMUNICATIONS ENGINEERS
11403 GILSAN ST.
SILVER SPRING, MD 20902

KRSR-FM - Calistoga, CA

FM CHANNEL SPACING STUDY

Job title: CALISTOGA, CA
Channel: 254A

Latitude: 38 44 1
Longitude: 122 50 48

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
253B	KUFY	26324	San Jose	CA	LIC	154.9	187.1	113.0	
253B	KRXQ	26409	Sacramento	CA	LIC	93.0	152.5	113.0	
255C	KBNF	26505	Chester	CA	CP	42.7	229.0	165.0	
255C	KBNF	26507	Chester	CA	LIC	42.7	229.0	165.0	
251B	KISQ	26806	San Francisco	CA	LIC	162.6	102.6	69.0	
255B	KSOL	26808	San Francisco	CA	LIC	162.3	113.9	113.0	.9
255B	KSOL	26811	San Francisco	CA	CP	162.3	114.0	113.0	1.0
201A	NEW	26857	Lakeport	CA	APP	13.4	29.2	10.0	19.2
254A	KRSR	26906	Middletown	CA	APP	55.0	10.5	115.0	-104.5
254A	KRSR	26908	Middletown	CA	APP	63.5	7.9	115.0	-107.1
257A	KVYN	26911	St. Helena	CA	LIC	126.9	56.8	31.0	25.8
252A	KXBXFM	26950	Lakeport	CA	LIC	11.2	35.6	31.0	4.6
256A		26951	Williams	CA	VACANT	53.6	65.6	31.0	
256A	NEW	26952	Williams	CA	APP	51.4	65.4	31.0	
256A	NEW	26953	Williams	CA	APP	51.6	64.6	31.0	
256A	NEW	26954	Williams	CA	APP	60.0	62.6	31.0	31.6
201B	NEW	27375	Redwood Valley	CA	APP	331.1	75.3	15.0	
201B	NEW	27376	Redwood Valley	CA	APP	335.9	48.3	15.0	
201B	NEW	27377	Redwood Valley	CA	APP	331.1	75.3	15.0	
253B1	KSAY	27429	Fort Bragg	CA	LIC	316.3	113.5	96.0	17.5
253B1	KSAY	27431	Fort Bragg	CA	CP	313.7	113.7	96.0	17.7

***** End of channel 254 study *****

LIEBERMAN & WALISKO
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 11403 GILSAN ST.
 SILVER SPRING, MD 20902

KGRP-FM - Middletown, CA

FM CHANNEL SPACING STUDY

Job title: MIDDLETOWN, CA
 Channel: 265A

Latitude: 38 40 9
 Longitude: 122 37 53

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
265A	KMIX	26339	Tracy	CA	LIC	136.7	158.4	115.0	
212B1	KDVS	26382	Davis	CA	LIC	100.2	78.0	12.0	
263B	KZZO	26420	Sacramento	CA	LIC	90.8	134.2	69.0	
266B	KHYL	26423	Auburn	CA	LIC	80.9	141.0	113.0	28.0
268A	KMJE	26474	Gridley	CA	LIC	49.4	92.2	31.0	
212A	KUSF	26767	San Francisco	CA	LIC	170.8	100.4	10.0	
264A	KJQIFM	26815	San Rafael	CA	LIC	158.0	96.2	72.0	24.2
264A	KJQIFM	26816	San Rafael	CA	LIC	173.2	77.0	72.0	5.0
267B	KIOI	26818	San Francisco	CA	LIC	171.1	110.0	69.0	
265A	KGRP	26921	Calistoga	CA	LIC	.0	.0	115.0	-115.0
264B	KTHU	26955	Corning	CA	LIC	.2	135.3	113.0	22.3
263B1	KWAN	27366	Gualala	CA	LIC	282.4	83.4	48.0	

***** End of channel 265 study *****